

REMARKS/ARGUMENTS

In response to the Office Action dated August 13, 2003, please consider the following remarks.

In the Office Action issued August 13, 2003, claims 1-10, 13-19, 21, 23-40, 43-49, 51, 53-70, 73-79, 81, 83-100, 103-109, 111, and 113-120 were rejected under 35 U.S.C. §102(e) as being anticipated by Vanderveldt et al., U.S. Patent No. 6,266,668 ("Vanderveldt"). Claims 11-12, 20, 22, 41-42, 50, 52, 71-72, 80, 82, 101, 102, 110, and 112 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vanderveldt et al., U.S. Patent No. 6,266,668 ("Vanderveldt").

Claims 1-120 are now pending in this application.

The present invention is not anticipated by, nor obvious in view of, the references relied upon in the Office Action, as this prior art references do not disclose or suggest the claimed features of the present invention.

The Applicant respectfully submits that the present invention according to claims 1, 31, 61, and 91 is not anticipated by Vanderveldt. Vanderveldt discloses a method and system for dynamically searching databases in response to a query in which a search-specific profile is created and input into a data-mining search engine. The data-mining search engine mines the search-specific profile to determine topic of interest. These topics of interest are output to at least one search tool. These search tools match the topics of interest to at least one destination data site wherein the destination data sites are evaluated to determine if relevant information is present in the destination data site. Relevant information is filtered and presented to the user making the inquiry.

Claim 1 recites examining a request queue comprising at least one request for data mining processing. Vanderveldt does not disclose or suggest a request queue including requests for data mining processing. Rather, Vanderveldt only discloses the entry of search-specific profiles that are processed sequentially. No queuing of such profiles is disclosed or suggested.

Claim 1 recites determining if the at least one request for data mining processing can be processed. Vanderveldt does not disclose or suggest determining if requests for data mining processing can be processed. Rather, Vanderveldt discloses that the dynamic search engine 100 data mines the specific profile to determine what other related topics of interest would be relevant and of greatest interest to the user 10. This is disclosure of the performance data mining processing, not disclosure of determining whether data mining processing can be performed. No determination of whether a requested for data mining processing can be processed is disclosed or suggested.

Claim 1 recites accepting the at least one request for data mining processing if it is determined that the at least one request for data mining processing can be processed. Vanderveldt does not disclose or suggest this since Vanderveldt does not disclose or suggest determining if requests for data mining processing can be processed. Vanderveldt only discloses accepting a search-specific profile for processing once it has been entered into the system; Vanderveldt does not disclose or suggest determining if requests for data mining processing can be processed

Thus, the present invention, according to claim 1, and according to claims 31, 61 and 91, which are similar to claim 1, is not anticipated by Vanderveldt. Likewise, the

present invention, according to claims 2-12, 32-42 62-72, and 91-102, which depend from claims 1, 31, 61, and 91, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 2, 32, 62, and 92 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 2 recites determining if an algorithm required to process the at least one request for data mining processing is supported by the computer system. Vanderveldt does not disclose or suggest determining if an algorithm required to process a request for data mining processing is supported by the computer system. Rather, Vanderveldt discloses several different types of data mining algorithms and states that in some cases one type of algorithm may be more useful than another. This provides no disclosure or suggestion of determining whether a particular algorithm is supported by the computer system.

Claim 2 recites the step of: if the algorithm required to process the at least one request for data mining processing is supported, determining whether the computer system is available for additional processing. Vanderveldt does not disclose or suggest this recited step. Vanderveldt makes no mention of this or anything related to this, since Vanderveldt simply assumes that there is sufficient processing capability available.

Claim 2 recites the step of: if the computer system is not available for additional processing, determining whether the computer system will become available for additional processing before other computer systems that might process the at least one request. Vanderveldt does not disclose or suggest this recited step. As above,

Vanderveldt simply assumes that there is sufficient processing capability available. The disclosure in Vanderveldt that "[o]nce the user has received the information, they will be asked if they would like to see more information. Each time the user requests additional information, it will be presented subsequent to the most recent, most relevant, information previously presented" does not disclose or suggest determining whether any computer systems will become available for processing.

Claim 2 recites the step of: if the computer system is available for additional processing, or if the computer system will become available for additional processing before other computer systems that might process the at least one request, determining whether the computer system will be able to complete requested processing in an allotted time. Vanderveldt does not disclose or suggest this recited step. Rather, Vanderveldt discloses that "as use grows a search response-time per user can be estimated (and a scalability strategy developed). This will enable projection of the number of servers necessary per user. Estimates may be arrived from data provided by similar web service companies." Thus, Vanderveldt discloses estimating a search response-time per user, rather than the requirement of determining the time needed to process a request for processing. User response time and individual request response time are different. Vanderveldt does not disclose or suggest the recited determining whether the computer system will be able to complete requested processing in an allotted time.

Thus, the present invention, according to claim 2, and according to claims 32, 62 and 92, which are similar to claim 2, is not anticipated by Vanderveldt. Likewise, the

present invention, according to claims 3-12, 33-42, 63-72, and 93-102, which depend from claims 2, 32, 62, and 92, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 3, 33, 63, and 93 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 3 recites that the at least one request for data mining processing comprises data defining at least one algorithm that must be performed in order to perform the requested data mining processing. While Vanderveldt discloses the existence of various algorithms, Vanderveldt does not disclose or suggest that the request for data mining processing comprises data defining the algorithm.

Thus, the present invention, according to claim 3, and according to claims 33, 63 and 93, which are similar to claim 3, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 4-12, 34-42, 64-72, and 94-102, which depend from claims 3, 33, 63, and 93, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 4, 34, 64, and 94 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 4 recites that there is data defining algorithms that are supported by the computer system. While Vanderveldt discloses the existence of various algorithms, Vanderveldt does not disclose or suggest that there is data defining algorithms that are supported by the computer system.

Thus, the present invention, according to claim 4, and according to claims 34, 64 and 94, which are similar to claim 4, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 5-12, 35-42, 65-72, and 95-102, which depend from claims 4, 34, 64, and 94, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 5, 35, 65, and 95 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 5 recites that the step of determining if an algorithm required to process the at least one request for data mining processing is supported comprises comparing the data defining at least one algorithm that must be performed in order to perform the requested data mining processing with data defining algorithms that are supported by the computer system. Vanderveldt does not disclose or suggest comparing the data defining at least one algorithm that must be performed in order to perform the requested data mining processing with data defining algorithms that are supported by the computer system. Rather, Vanderveldt discloses several different types of data mining algorithms and states that in some cases one type of algorithm may be more useful than another. This provides no disclosure or suggestion of comparing the data defining at least one algorithm that must be performed in order to perform the requested data mining processing with data defining algorithms that are supported by the computer system.

Thus, the present invention, according to claim 5, and according to claims 35, 65 and 95, which are similar to claim 5, is not anticipated by Vanderveldt. Likewise, the

present invention, according to claims 6-12, 36-42, 66-72, and 96-102, which depend from claims 5, 35, 65, and 95, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 13, 43, 73, and 103 is not anticipated by Vanderveldt.

Claim 13 recites determining that the computer system is overloaded. Vanderveldt does disclose that it is desirable to reset the jogging strength to give a small random perturbation to the weights and parameters (col. 8, lines 25-27). This does not disclose or suggest determining that the computer system is overloaded. 5

Claim 13 recites querying at least one other computer system to determine whether the at least one other computer system can complete a data mining processing task being performed on the computer system faster than the computer system. Vanderveldt discloses that the database query scripts direct the simple searching and querying of the databases, access custom data-mining solutions developed for some of the databases, and allow visualization for exploration of the databases (col. 10, lines 16-19). This discloses querying of databases to obtain data and perform data mining. Vanderveldt does not disclose or suggest querying at least one other computer system to determine whether the at least one other computer system can complete a data mining processing task being performed on the computer system faster than the computer system. 5

Claim 13 recites determining whether the at least one other computer system can complete the data mining processing task being performed on the computer system faster than the computer system. Vanderveldt discloses that "data-mining 'tools' are discrete and specific. Certain models are appropriate for certain tasks. When explanation of a particular

result is important (as in credit approval/rejections), and the available data supports the generation/formulation of rules, an expert or fuzzy logic system might be appropriate. When optimization of a particular quantity is important, a genetic algorithm or another evolutionary algorithm might be more useful. When prediction/estimation is important, the neural network training algorithm might be used." (col. 4, lines 28-38) This discloses that there are a variety of data mining algorithms. Vanderveldt does not disclose or suggest determining whether another computer system can perform a data mining task faster than the computer system.

Claim 13 recites that if the at least one other computer system can complete the data mining processing task faster than the computer system, migrating the processing from the computer system to the at least one other computer system. Vanderveldt does not disclose or suggest migrating processing from one computer system to another.

Thus, the present invention, according to claim 13, and according to claim 43, 73, and 103, which are similar to claim 13, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 14-22, 44-52, 74-82, and 104-112, which depend from claims 13, 43, 73, and 103, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 14, 44, 74, and 104 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 14 recites reserving the at least one other computer system for migration. Vanderveldt discloses that topics of interest are output to a search tool. This is simply a particular type of data being output from one program to another. This provides no

disclosure or suggestion of migrating a data mining process from one computer system to another. Likewise, it does not suggest reserving a computer system for migration. Vanderveldt does not disclose or suggest reserving a computer system for migration.

Claim 14 recites interrupting and checkpointing the data mining processing task on the computer system. Vanderveldt discloses that there are a variety of data mining algorithms and some may be more useful than others for some applications. This provides no disclosure related to interruption or checkpointing of tasks. Vanderveldt does not disclose or suggest interrupting and checkpointing a data mining processing task.

Claim 14 recites enqueueing a request to the at least one other computer system for continued processing of the data mining processing task. Vanderveldt does not disclose or suggest a request queue including requests for data mining processing, nor does Vanderveldt disclose enqueueing such requests on any computer systems. Rather, Vanderveldt only discloses the entry of search-specific profiles that are processed sequentially. No queuing of such profiles is disclosed or suggested.

Thus, the present invention, according to claim 14, and according to claims 44, 74, and 104, which are similar to claim 14, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 15-22, 45-52, 75-82, and 105-112, which depend from claims 14, 44, 74, and 104, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 15, 45, 75, and 105 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 15 recites determining that the computer system is overloaded if a utilization of a processor of the computer system is greater than a predefined threshold for a predefined time. Vanderveldt discloses a threshold used to determine whether a search has completed and results should be returned. This provides no disclosure or suggestion of using processor utilization to determine whether a computer system is overloaded. Vanderveldt does not disclose or suggest determining that the computer system is overloaded if a utilization of a processor of the computer system is greater than a predefined threshold for a predefined time.

Thus, the present invention, according to claim 15, and according to claims 45, 75, and 105, which are similar to claim 15, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 16-22, 46-52, 76-82, and 106-112, which depend from claims 15, 45, 75, and 105, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 16, 46, 76, and 106 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 16 recites generating an estimate of a time to complete the data mining processing task. Vanderveldt does not disclose or suggest this recited step. Rather, Vanderveldt discloses that "as use grows a search response-time per user can be estimated (and a scalability strategy developed). This will enable projection of the number of servers necessary per user. Estimates may be arrived from data provided by similar web service companies." Thus, Vanderveldt discloses estimating a search response-time per user, rather than the requirement of estimating the time needed to

complete a data mining processing task. User response time and individual tasks completion time are different. Vanderveldt does not disclose or suggest the recited generating an estimate of a time to complete the data mining processing task.

Thus, the present invention, according to claim 16, and according to claims 46, 76, and 106, which are similar to claim 16, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 17-22, 47-52, 77-82, and 107-112, which depend from claims 16, 46, 76, and 106, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 17, 47, 77, and 107 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 17 recites estimating an amount of processing that must be performed to complete the data mining processing task. Vanderveldt does not disclose or suggest this recited step. Rather, Vanderveldt discloses that data sites are evaluated to determine if relevant information is present and estimating a search response-time per user. Both of these are different than estimating processing needed to complete a data mining task. Vanderveldt does not disclose or suggest the recited estimating an amount of processing that must be performed to complete the data mining processing task.

Claim 17 recites estimating a processor utilization that will be available to process the data mining processing task. Vanderveldt does not disclose or suggest this recited step. Rather, Vanderveldt discloses that optimizing particular quantities and that some algorithms may be more useful than others. Both of these are different than estimating available processor utilization. Vanderveldt does not disclose or suggest the recited

estimating a processor utilization that will be available to process the data mining processing task.

Claim 17 recites estimating a time to complete the data mining processing task based on the estimate of the amount of processing that must be performed, the estimate of available processor utilization, and a speed of the processor. Vanderveldt does not disclose or suggest this recited step. Rather, Vanderveldt discloses estimating a search response-time per user. This is different than estimating the time needed to complete a data mining task and also provides no disclosure of suggestion of basing the estimate on the amount of processing, processor utilization, and speed of the processor. Vanderveldt does not disclose or suggest the recited estimating a time to complete the data mining processing task based on the estimate of the amount of processing that must be performed, the estimate of available processor utilization, and a speed of the processor.

Thus, the present invention, according to claim 17, and according to claims 47, 77, and 107, which are similar to claim 17, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 18-22, 48-52, 78-82, and 108-112, which depend from claims 17, 47, 77, and 107, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 23, 53, 83, and 113 is not anticipated by Vanderveldt.

Claim 23 recites determining that a processing load in the computer system is high relative to at least one other computer system. Vanderveldt does not disclose or suggest a determining processing load on any computer systems or comparing processing load among computer systems. Vanderveldt does not disclose or suggest this recited step.

Claim 23 recites determining a remaining cost of completing processing of a data mining processing task being processed by the computer system. Vanderveldt does not disclose or suggest this recited step. Rather, Vanderveldt discloses using particular data mining algorithms to obtain particular results and gives some examples. This provides no disclosure or suggestion of determining a cost or remaining cost of completing a data mining task.

Claim 23 recites determining whether the at least one other computer system can complete processing of the data mining processing task at a lower cost than the computer system. Vanderveldt does not disclose or suggest this recited step. Rather, Vanderveldt discloses using particular data mining algorithms to obtain particular results and gives some examples. This provides no disclosure or suggestion of determining whether a computer system can complete processing at a lower cost than another computer system.

Claim 23 recites the step of: if the at least one other computer system can complete processing of the data mining processing task at a lower cost than the computer system, migrating processing of the data mining processing task to the at least one computer system. Vanderveldt does not disclose or suggest migrating processing from one computer system to another.

Thus, the present invention, according to claim 23, and according to claims 53, 83 and 113, which are similar to claim 23, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 24-30, 54-60 84-90, and 114-120, which depend from claims 23, 53, 83, and 113, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 24, 54, 84, and 114 is not anticipated by Vanderveldt for at least the following additional reasons:

Claim 24 recites determining a processor utilization of the computer system and determining a processor utilization of the at least one other computer system. Vanderveldt does not disclose or suggest determining a processor utilization of a computer system. Vanderveldt discloses determining topics that would be of interest to a user. This provides no disclosure or suggestion of determining a processor utilization of a computer system.

Claim 24 recites determining that the processor utilization of the computer system is greater than a predefined amount higher than the processor utilization of the at least one other computer system. Vanderveldt does not disclose or suggest this recited step. Vanderveldt discloses determining topics that would be of interest to a user. This provides no disclosure or suggestion of determining that the processor utilization of the computer system is greater than a predefined amount higher than the processor utilization of the at least one other computer system.

Thus, the present invention, according to claim 24, and according to claims 54, 84 and 114, which are similar to claim 24, is not anticipated by Vanderveldt. Likewise, the present invention, according to claims 25-30, 55-60 85-90, and 115-120, which depend from claims 24, 54, 84, and 114, respectively, is not anticipated by Vanderveldt.

The Applicant respectfully submits that the present invention according to claims 11-12, 20, 22, 41-42, 50, 52, 71-72, 80, 82, 101, 102, 110, and 112 are not obvious in

view of Vanderveldt. Even if Vanderveldt were modified as suggested by the Examiner, the result still would not be the present invention as claimed. Thus, the modifications do not cure the deficiencies of Vanderveldt with respect to the above-discussed claims.

Thus, the present invention, according to claims 11-12, 20, 22, 41-42, 50, 52, 71-72, 80, 82, 101, 102, 110, and 112 are not obvious in view of Vanderveldt.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

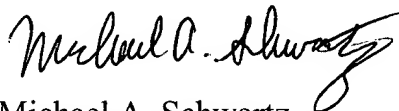
Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19111.0024).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,



Michael A. Schwartz
Reg. No. 40,161

Dated: November 13, 2003

Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500